

REMARKS

In view of the above amendments and the following remarks, reconsideration is requested.

The Examiner required a substitute specification because of the length of the changes made in the Amendment filed April 24, 2003. Therefore, a substitute specification and abstract are filed herewith. No new matter has been added. Because this is a reissue application, the substitute specification indicates the changes with bracketing and underlining as required.

The proposed drawing amendments filed April 24, 2003 are resubmitted herewith under a separate cover letter, but with the proposed changes marked in red rather than highlighted. Also, formal versions of the amended drawing figures, including the label "amended," are submitted herewith under a separate cover letter.

Claims 24-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Farias in view of Kao. This rejection is traversed for the following reasons.

The claim recitations at issue are (1) the first data stream has a synchronization data and data for demodulation for demodulating the modulated signals corresponding to the second data stream, (2) wherein the synchronization data is located at the beginning of the first data stream, and (3) the data for demodulation follows the synchronization data. Note that aside from slight wording differences, these recitations are present in each of claims 24-29.

Please see Fig. 11 of Farias. In the Office Action, the Examiner equates the "secondary channel" of Farias with the "first data stream" of the present claims, and the "main channel" of Farias with the "second data stream" of the present claims. As pointed out by the Examiner, Farias discloses that the secondary channel is used for synchronization and includes network management and control information. The Examiner equates the "network management and control information" of Farias with the "data for demodulation" of the present claims.

Thus, with regard to feature (1) discussed above, the Examiner asserts that Farias discloses a first data stream (secondary channel) having synchronization data and data for demodulation (network management and control information) for demodulating the second data stream (main channel). In the system of Farias, the secondary channel is made to have a higher average energy than the main channel so that the secondary channel can be easily detected and thus used for

synchronization. Thus, Farias does not teach the use of synchronization data located in the secondary channel, but merely the detection of the higher energy secondary channel for synchronization.

Regarding the second feature (synchronization data located at the beginning of the first data stream), the Examiner points to the disclosure by Farias that the secondary channel is located before the main channel as shown in Fig. 11. See Office Action page 3, lines 2-3, which refer to col. 6, lines 28-35, col. 19, lines 60-61 of Farias. This disclosure by Farias does not meet the claim limitation. The feature here is not only that the first data stream has synchronization data, but also that the synchronization data is located at the beginning of the first data stream. The Examiner equates the "secondary channel" of Farias with the "first data stream" and points out that the "secondary channel" (first data stream) is located before the "main channel" (second data stream). See Fig. 11 of Farias. But this does not meet the second feature discussed above that the synchronization data is located at the beginning of the first data stream. Farias does not disclose the relative location of the synchronization data in the secondary channel. Farias does not say that the synchronization data is located at the beginning of the secondary channel. Such a statement would be nonsensical because of the nature of the synchronization feature of Farias. It is the fact that the secondary channel of Farias has a higher average energy than the main channel that causes the secondary channel to be used as synchronization. The existence and location of the higher energy secondary channel relative to the main channel provides the synchronization function in the system of Farias.

As for feature (3) (the data for demodulation in the first data steam follows the synchronization data also in the first data stream), the Examiner acknowledges that Farias does not teach that the data for demodulation (network management and control information of Farias) follows the synchronization data. The Examiner relies on a secondary reference, Kao. As discussed above, the Examiner equates the "network management and control information" with the "data for demodulation" of the present claims. Since Farias utilizes the energy level of the entire secondary channel (first data stream) as synchronization and includes the network management and control information as the actual data of the secondary channel, it cannot be said that the data for

demodulation in the first data stream follows the synchronization data also in the first data stream. The Examiner asserts that Kao discloses that "the transmitted inband signal is to be used at the receiver to demodulate the received main data." But at best, this assertion by the Examiner merely establishes that Kao discloses a first data stream including data for demodulating a second data stream, but not that the data for demodulation follows the synchronization data. Thus, the prior art combination of Farias and Kao does not disclose or suggest synchronization data (in the first data stream) located at the beginning of the first data stream, and data for demodulation (also in the first data stream) following the synchronization data. Farias and Kao, separately or in combination, simply do not disclose or suggest features (2) and (3) discussed above.

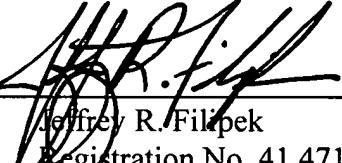
In view of the above remarks, it is clear that each and every element of claims 24-29 is not met by the applied prior art of Farias and Kao, or any obvious combination thereof. Therefore, it is submitted that claims 24-29 are allowable over the prior art of record and the present application is in condition for allowance.

The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

Mitsuaki OSHIMA et al.

By:



Jeffrey R. Filipek
Registration No. 41,471
Attorney for Patentees

JRF/fs
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
November 12, 2003